

PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference P36233WO/KVC	IMPORTANT DECLARATION	Date of mailing(day/month/year) 21/02/2005
International application No. PCT/GB2004/005201	International filing date(day/month/year) 10/12/2004	(Earliest) Priority date(day/month/year) 11/12/2003
International Patent Classification (IPC) or both national classification and IPC A61B6/14		
Applicant MARS UK LIMITED		


This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below

1. ☒ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☒ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☐ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☐ the description
☐ the claims
☐ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished or does not comply with the standard.
☐ the computer readable form has not been furnished or does not comply with the standard.
4. ☐ The failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished.
☐ the computer readable form has not been furnished or does not comply with the technical requirements.
5. Further comments: see annex

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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

Claims 1 to 4 and claim 6 are directed to a diagnostic method practised on the human or animal body - Rule 39.1(iv) PCT : The claims in particular comprise the method steps of taking radiographic views of the teeth of a living feline animal for diagnosing FORL.

Claim 5 is so unclear that no meaningful search is possible. In particular, claim 5 relates to the use of radiographic views in the manufacture of a tool for diagnosing FORL. It is, however, neither clear from the claims nor from the description what kind of tool this should be, let alone how to manufacture this, since the whole of the application does not disclose a single embodiment exemplifying such a (manufacture of a) tool. Therefore, it is also completely obscure how radiographic views are to be used in manufacturing a tool.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.